

REMARKS

Claims 1, 5-9, 12, 13, and 16-18 are present in this application. Claims 1, 6, 8, and 9 are independent claims.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 6, 7, 8, 13, and 16-18 are allowed.

§ 112, second paragraph

Claims 1, 5, 9, and 12 have been rejected under 35 U.S.C. 112, second paragraph.

Claim amendments have been made in order to address this rejection. Applicants request that the rejection be reconsidered and withdrawn based on the claims as amended.

§ 103(a) Rejection – Hammett

Claims 1 and 9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,749,065 (Hammett). Claims 1 and 9 have been amended. Applicant traverses this rejection based on the claims as amended.

As can be seen in Figs. 3 and 4 of the present application, “positioning step 14” is composed of a planar top surface of the frame 12, and a wall defining the inner periphery of the engaging section 13. (specification at page 14, line 9, to page 15, line 23). The “positioning step 14” provides a support that positions an overlaid substrate accommodating tray 10 which is stacked thereon.

The form of the “positioning step 14” reduces the complexity of the shape and enables a substantially thin accommodating tray for efficient transportation and storage of a stack of substrate accommodating trays (specification at page 3, line 24, to page 4, line 3).

With respect to the rejection of claims 1 and 9, the Examiner does not make clear what element in Hammett teaches the claimed frame. In particular, Hammett does not show an

element “95.” The annotation for Fig. 1 on page 4 of the Office Action, appears to point to panels 72 as being a frame, with “planar top surface” 96 allegedly being the claimed top surface of the frame. Thus, Applicant assumes that the Examiner considers panels 72, as well as ribs 86, 88 and respective surfaces 92, 94, and 96 as constituting a frame.

To the contrary, claim 1 recites a planar top surface of the frame that is parallel to a top surface of the bottom section. The top surface of the alleged “frame” in Hammett is tilted downwards (i.e., not parallel to the bottom section). Subsequently, Applicant submits that the “frame” of Hammett does not provide a support that positions a second case placed on top of a first case. Applicant submits that at most the titled “frame” might enable a loose and indefinite positional relationship anywhere along the angled top surface.

Furthermore, as explained in the Office Action, other sections (e.g., sections 100 and 72 indicated in “Response to Arguments”) of the case guide the second case onto the first case. In other words, the alleged engaging section (e.g., inner peripheral wall of 78) and frame (e.g., top surface 96) do not provide a support that position a second case.

Applicant has amended claims 1 and 9 in order to clarify that the planar top surface of the frame and a wall defining an inner periphery of the flange-like engaging section define a positional relationship with another display substrate accommodating tray.

In addition, Hammett discloses a case for transporting a plurality of bottles which are larger than the case itself. One of ordinary skill in the art would understand that a case in Hammett would have to be deep enough to cover at least the center of gravity of the bottles such that the bottles would not tip over and fall out of the case. In the substrate accommodating tray of the present invention, the planar top surface of the frame and the wall defining an inner periphery of the engaging section define a positional relationship with another accommodating tray with the bottom section having the display substrate. Applicant submits that Hammett does not provide a structure as claimed that is capable of defining a positional relationship while the case is loaded.

Applicant submits that Hammett fails to teach at least these claimed features as recited in claims 1 and 9 as amended. Applicant requests that the rejection be reconsidered and withdrawn.

§ 103(a) Rejection – Hammett, Nakajima

Claims 5 and 12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hammett in view of JP 236953 (Nakajima). Applicant respectfully traverses this rejection.

Applicant submits that Nakajima fails to make up for the above stated deficiencies of Hammett, at least because Nakajima relates to the materials used to make panels and not the configuration of a frame and an engaging section, as recited in claims 1 and 9. Thus, at least for the reasons above for claims 1 and 9, Applicant submits that claims 5 and 12 are patentable as well.

Applicant requests that the rejection be reconsidered and withdrawn.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **Robert Downs** Reg. No. 48,222 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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